

ESTTA Tracking number: **ESTTA634622**

Filing date: **10/22/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Monster Energy Company
Granted to Date of previous extension	10/22/2014
Address	1 Monster Way Corona, CA 92879 UNITED STATES
Attorney information	Jonathan Menkes Knobbe, Martens, Olson & Bear LLP 2040 Main Street, 14th Floor Irvine, CA 92614 UNITED STATES efiling@knobbe.com, francie.leonguerrero@knobbe.com Phone:949-760-0404

Applicant Information

Application No	86188617	Publication date	06/24/2014
Opposition Filing Date	10/22/2014	Opposition Period Ends	10/22/2014
Applicant	Lisa Noelle Schesser 8711 E. Pinnacle Peak Rd. P.M.B. #225 Scottsdale, AZ 85255 UNITED STATES		

Goods/Services Affected by Opposition

Class 032. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Bottled drinking water

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	2769364	Application Date	12/18/2002
Registration Date	09/30/2003	Foreign Priority Date	NONE
Word Mark	UNLEASH THE BEAST!		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 032. First use: First Use: 2002/04/16 First Use In Commerce: 2002/04/16 Fruit juice drinks, soft drinks, carbonated soft drinks and soft drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs,[aerated water, soda water and seltzer water]		
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U.S. Registration No.	4394044	Application Date	12/14/2010
Registration Date	08/27/2013	Foreign Priority Date	NONE
Word Mark	UNLEASH THE NITRO BEAST!		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2009/07/08 First Use In Commerce: 2009/07/08 Non-alcoholic beverages, namely, carbonated soft drinks; carbonated drinks enhanced with vitamins, minerals, nutrients,proteins, amino acids and/or herbs; carbonated energy or sports drinks		

U.S. Registration No.	4336329	Application Date	11/03/2010
Registration Date	05/14/2013	Foreign Priority Date	NONE
Word Mark	REHAB THE BEAST!		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2011/03/02 First Use In Commerce: 2011/03/02 Ready to drink tea, iced tea and tea based beverages; ready to drink flavored tea, iced tea and tea based beverages Class 032. First use: First Use: 2011/03/02 First Use In Commerce: 2011/03/02 Non-alcoholic beverages, namely, energydrinks, sports drinks and fruit juice drinks; all the foregoing enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs		

U.S. Registration No.	4292502	Application Date	02/15/2012
Registration Date	02/19/2013	Foreign Priority Date	NONE
Word Mark	REHAB THE BEAST! WWW.MONSTERENERGY.COM		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 030. First use: First Use: 2011/03/02 First Use In Commerce: 2011/03/02 Ready to drink tea, iced tea and tea based beverages; ready to drink flavored tea, iced tea and tea based beverages</p> <p>Class 032. First use: First Use: 2011/03/02 First Use In Commerce: 2011/03/02 Non-alcoholic beverages, namely, energydrinks, sports drinks and fruit juice drinks, all the foregoing enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs</p>		

U.S. Registration No.	4371544	Application Date	11/19/2012
Registration Date	07/23/2013	Foreign Priority Date	NONE
Word Mark	UNLEASH THE ULTRA BEAST!		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 032. First use: First Use: 2012/08/30 First Use In Commerce: 2012/08/30 Non-alcoholic beverages, namely, carbonated soft drinks; carbonated drinks enhanced with vitamins, minerals, nutrients,proteins, amino acids and/or herbs; carbonated energy drinks and sports drinks</p>		

U.S. Registration No.	4482659	Application Date	05/15/2013
Registration Date	02/11/2014	Foreign Priority	NONE

		Date	
Word Mark	PUMP UP THE BEAST!		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2013/03/18 First Use In Commerce: 2013/03/18 Nutritional supplements in liquid form;vitamin fortified beverages		

U.S. Registration No.	4482660	Application Date	05/15/2013
Registration Date	02/11/2014	Foreign Priority Date	NONE
Word Mark	PUMP UP THE BEAST!		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2013/03/18 First Use In Commerce: 2013/03/18 Dairy-based beverages; dairy-based energy shakes		

Attachments	85977331#TMSN.png(bytes) 85976727#TMSN.png(bytes) 85978208#TMSN.png(bytes) 85783008#TMSN.png(bytes) 85933255#TMSN.png(bytes) 85933264#TMSN.png(bytes) 2014-10-22-NOTICE OF OPPOSITION FINAL 86188617-HANBEV.2736M.PDF(361402 bytes) 2014-10-22- EXHIBIT 01 REG NO 2769364-HANBEV.2736M.PDF(764904 bytes) 2014-10-22-EXHIBIT 02 REG NO 4394044-HANBEV.2736M.PDF(859076 bytes) 2014-10-22-EXHIBIT 03 REG NO 4336329-HANBEV.2736M.PDF(867349 bytes)
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	2014-10-22- EXHIBIT 04 REG NO 4292502-HANBEV.2736M.PDF(874677 bytes) 2014-10-22- EXHIBIT 05 REG NO 4371544-HANBEV.2736M.PDF(863967 bytes) 2014-10-22- EXHIBIT 06 REG NO 4482659-HANBEV.2736M.PDF(366402 bytes) 2014-10-22- EXHIBIT 07 REG NO 4482660-HANBEV.2736M.PDF(857557 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jonathan Menkes/
Name	Jonathan Menkes
Date	10/22/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MONSTER ENERGY COMPANY,

Opposer,

v.

LISA NOELLE SCHESSER,

Applicant.

) Opposition No.: _____

) Serial No.: 86/188617

) Mark: TAP INTO PRIMAL
) POWER AND BE A
) BEAST
)

NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir:

Monster Energy Company, a Delaware corporation, located and doing business at 1 Monster Way, Corona, California 92879, ("Opposer") believes that it will be damaged by registration of U.S. Trademark Application Serial No 86/188617 ("Application") for the mark TAP INTO PRIMAL POWER AND BE A BEAST filed by Lisa Noelle Schesser, ("Applicant") and therefore opposes the same.

As grounds for opposition, it is alleged:

1. By the Application filed on February 9, 2014, Applicant seeks to obtain registration on the Principal Register of the trademark TAP INTO PRIMAL POWER AND BE A BEAST for "Bottled drinking water" in International Class 32.

2. Since at least 2002, long before the filing date of the Application, Opposer has

been, and still is, engaged in the development, production, marketing and sale of energy supplement drinks under the mark MONSTER ENERGY and related marks.

3. Since the launch of the MONSTER ENERGY® drink in 2002, Opposer has continuously used the UNLEASH THE BEAST! mark and related BEAST Marks on almost all cans of its MONSTER line of drinks, including on Opposer's original Monster Energy® and Lo-Carb Monster Energy® products, Opposer's full line of Monster Rehab® drinks, Opposer's full line of Monster Energy Extra Strength Nitrous Technology® drinks, Opposer's full line of MUSCLE MONSTER® drinks, and Opposer's Monster Energy® Zero Ultra drinks.

4. Opposer's UNLEASH THE BEAST! Mark and related BEAST Marks are the subject of substantial and continuous marketing and promotion by Opposer in connection with its MONSTER line of drinks. Opposer has and continues to widely market and promote its UNLEASH THE BEAST! Mark in the industry and to consumers by displaying the UNLEASH THE BEAST! Mark on billions of cans; on promotional and point of sale materials; on product samplings, apparel and merchandise; in magazines and other industry publications; on the MONSTER ENERGY® website and other Internet websites; at trade shows, concert tours and live events; and through sponsorship of athletes.

5. As a result, Opposer's UNLEASH THE BEAST! Mark and other BEAST Marks have developed into a well-known identifier of Opposer and its high-quality, premium energy supplement drinks, as well as other items.

6. Opposer owns and relies on incontestable U.S. Trademark Registration 2,769,364 (the "364 Registration") for the mark UNLEASH THE BEAST! for "Fruit juice drinks, soft drinks, carbonated soft drinks and soft drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs" in International Class 32, which registration issued September 30, 2003 and is

based on an application filed in the United States Patent and Trademark Office (“PTO”) on December 18, 2002. The filing date of Opposer’s ‘364 Registration is prior to the filing date of the Application. True and correct copies of the specifics of the ’364 Registration obtained from the PTO’s TSDR, TESS and Assignment databases are attached hereto as Exhibit 1 and made of record.

7. Opposer owns and relies on U.S. Trademark Registration No. 4,394,044 (the “’044 Registration”) for the mark UNLEASH THE NITRO BEAST! for “Non-alcoholic beverages, namely, carbonated soft drinks; carbonated drinks enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs; carbonated energy or sports drinks” in International Class 32, which registration issued August 27, 2013 and is based on an application filed in the PTO on December 14, 2010. The filing date of Opposer’s ‘044 Registration is prior to the filing date of the Application. True and correct copies of the specifics of the ’044 Registration obtained from the PTO’s TSDR and TESS databases are attached hereto as Exhibit 2 and made of record.

8. Opposer owns and relies on U.S. Trademark Registration No. 4,336,329 (the “’329 Registration”) for the mark REHAB THE BEAST! for “Ready to drink tea, iced tea and tea based beverages; ready to drink flavored tea, iced tea and tea based beverages” in International Class 30 and for “Non-alcoholic beverages, namely, energy drinks, sports drinks and fruit juice drinks; all the foregoing enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs” in International Class 32, which registration issued May 14, 2013 and is based on an application filed in the PTO on November 3, 2010. The filing date of Opposer’s ‘329 Registration is prior to the filing date of the Application. True and correct copies of the specifics of Opposer’s ‘329 Registration obtained from the PTO’s TSDR and TESS databases are attached hereto as Exhibit 3 and made of record.

9. Opposer owns and relies on U.S. Trademark Registration No. 4,292,502 (the “‘502 Registration”) for the mark REHAB THE BEAST! WWW.MONSTERENERGY.COM for “Ready to drink tea, iced tea and tea based beverages; ready to drink flavored tea, iced tea and tea based beverages” in International Class 30 and for “Non-alcoholic beverages, namely, energy drinks, sports drinks and fruit juice drinks, all the foregoing enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs” in International Class 32, which registration issued February 19, 2013 and is based on an application filed in the PTO on February 15, 2012. The filing date of Opposer’s ‘502 Registration is prior to the filing date of the Application. True and correct copies of the specifics of Opposer’s ‘502 Registration obtained from the PTO’s TSDR and TESS databases are attached hereto as Exhibit 4 and made of record.

10. Opposer owns and relies on U.S. Trademark Registration No. 4,371,544 (the “‘544 Registration”) for the mark UNLEASH THE ULTRA BEAST! for “Non-alcoholic beverages, namely, carbonated soft drinks; carbonated drinks enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs; carbonated energy drinks and sports drinks” in International Class 32, which registration issued July 23, 2013 and is based on an application filed in the PTO on November 19, 2012. The filing date of Opposer’s ‘544 Registration is prior to the filing date of the Application. True and correct copies of the specifics of Opposer’s ‘544 Registration obtained from the PTO’s TSDR and TESS databases are attached hereto as Exhibit 5 and made of record.

11. Opposer owns and relies on U.S. Trademark Registration No. 4,482,659 (the “‘659 Registration”) for the mark PUMP UP THE BEAST! for “Nutritional supplements in liquid form; vitamin fortified beverages” in International Class 5, which registration issued

February 11, 2014 and is based on an application filed in the PTO on May 15, 2013. The filing date of Opposer's '659 Registration is prior to the filing date of the Application. True and correct copies of the specifics of Opposer's '659 Registration obtained from the PTO's TSDR and TESS databases are attached hereto as Exhibit 6 and made of record.

12. Opposer owns and relies on U.S. Trademark Registration No. 4,482,660 (the "'660 Registration") for the mark PUMP UP THE BEAST! for "Dairy-based beverages; dairy-based energy shakes" in International Class 29, which registration issued February 11, 2014 and is based on an application filed in the PTO on May 15, 2013. The filing date of Opposer's '660 Registration is prior to the filing date of the Application. True and correct copies of the specifics of Opposer's '660 Registration obtained from the PTO's TSDR and TESS databases are attached hereto as Exhibit 7 and made of record.

13. Opposer's '364, '044, '329, '502, '544, '659, and '660 Registrations are valid, subsisting, unrevoked and uncanceled; as such they constitute *prima facie* evidence of the validity of the registered marks and of the registrations thereof, and of Opposer's ownership of the marks shown therein. Opposer's registrations also constitute notice to Applicants of Opposer's claim of ownership of the marks shown therein as provided in Sections 7(b), 22 and 33(a) of the Trademark Act.

14. Opposer's '364 Registration as specified in Paragraph 6 above is incontestable. As such, it constitutes conclusive evidence of the validity of the registered mark and of the registration of the mark, of Opposer's ownership of its mark, and of Opposer's exclusive right to use the registered mark in commerce as provided in Section 33 of the Lanham Act, 15 U.S.C. § 1115.

15. Since at least before the filing date of the Application, Opposer has continuously used and promoted the UNLEASH THE BEAST! Mark shown in the '364 Registration in interstate

commerce in connection with its goods, including the goods identified in such Registration. By virtue of Opposer's continuous and substantial use, this mark has become a famous identifier of Opposer and its goods, and distinguishes Opposer's goods from the goods of others. As a result, Opposer has built up, at great expense and effort, valuable goodwill in the UNLEASH THE BEAST! Mark.

16. Since at least before the filing date of the Application, Opposer has continuously used and promoted the UNLEASH THE NITRO BEAST!, REHAB THE BEAST!, REHAB THE BEAST! WWW.MONSTERENERGY.COM, UNLEASH THE ULTRA BEAST!, and PUMP UP THE BEAST! marks shown in '044, '329, '502, '544, '659, and '660 Registrations in interstate commerce in connection with its goods, including the goods identified in such Registrations. By virtue of Opposer's continuous and substantial use, these marks have become identifiers of Opposer and its goods, and distinguish Opposer's goods from the goods of others. As a result, Opposer has built up, at great expense and effort, valuable goodwill in the UNLEASH THE NITRO BEAST!, REHAB THE BEAST!, REHAB THE BEAST! WWW.MONSTERENERGY.COM, UNLEASH THE ULTRA BEAST!, and PUMP UP THE BEAST! marks.

17. In addition to the protection afforded Opposer by its federal trademark registrations, Opposer has extensive common law rights in its UNLEASH THE BEAST!, UNLEASH THE NITRO BEAST!, REHAB THE BEAST!, REHAB THE BEAST! WWW.MONSTERENERGY.COM, UNLEASH THE ULTRA BEAST!, and PUMP UP THE BEAST! marks (the "BEAST Marks") throughout the United States having sold billions of dollars worth of goods bearing Opposer's BEAST Marks. Opposer's common law rights in its BEAST Marks predate the filing date of the Application. Opposer relies on its common law

trademark rights in Opposer's BEAST Marks.

18. Through extensive use and promotion, Opposer's BEAST Marks have become famous for Opposer's goods since well before the filing date of the Application. Opposer's well-known BEAST Marks are global brands that have appeared on billions of beverage cans and in extensive nationwide promotions.

19. The Application was filed on February 9, 2014 and is based on Applicants' intent-to-use the mark in interstate commerce. Opposer's use of its BEAST Marks predates Applicants' use of their mark.

20. Applicants seek an unrestricted federal registration for TAP INTO PRIMAL POWER AND BE A BEAST covering the goods set forth in the application in Class 32. As such, if a registration issues for the Application, such registration will constitute prima facie evidence of the Applicants' exclusive right to use the registered mark in commerce on or in connection with the listed services throughout the United States with no limitation thereon.

21. Opposer will be damaged by registration of the Application in that the TAP INTO PRIMAL POWER AND BE A BEAST mark so resembles Opposer's BEAST Marks registered and applied for in the United States Patent and Trademark Office, and in which Opposer owns common law trademark rights, as to be likely, when used on or in connection with the goods and services as they are identified in the Application, as to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

22. In view of Opposer's prior rights in its BEAST Marks, Applicants are not entitled to federal registration of the TAP INTO PRIMAL POWER AND BE A BEAST mark pursuant to Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer prays that U.S. Trademark Application Serial No. 86/188617 be rejected and stricken, that no registration be issued thereon to Applicants, and that this opposition be sustained in favor of Opposer.

Please charge Deposit Account No. 11-1410 to cover the opposition fee and any additional fees which may be required, or credit any overpayment to this account.

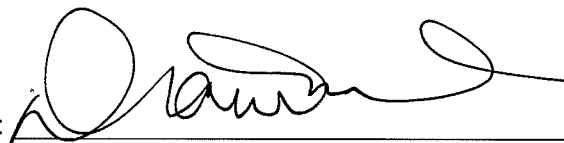
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

10/22/2014

By: _____



Steven J. Nataupsky

Diane M. Reed

Jonathan A. Menkes

2040 Main Street, Fourteenth Floor

Irvine, CA 92614

(949) 760-0404

efiling@knobbe.com

Attorneys for Opposer,

MONSTER ENERGY COMPANY

CERTIFICATE OF SERVICE

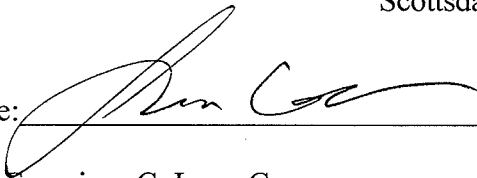
I hereby certify that a true and complete copy of the foregoing **NOTICE OF OPPOSITION** has been served on Applicant, Lisa Noelle Schesser by mailing one copy on October 22, 2014 via

First Class mail, postage prepaid to:

:

Lisa Noelle Schesser
8711 E. Pinnacle Peak Rd. P.M.B. #225.
Scottsdale, AZ 85255

Signature: _____



Name: Francisca C. Leon Guerrero

Date: October 22, 2014

19161302/flg/102114

EXHIBIT 1



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Word Mark	UNLEASH THE BEAST!
Goods and Services	IC 032. US 045 046 048. G & S: Fruit juice drinks, soft drinks, carbonated soft drinks and soft drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs,[aerated water, soda water and seltzer water]. FIRST USE: 20020416. FIRST USE IN COMMERCE: 20020416
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78195777
Filing Date	December 18, 2002
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	July 8, 2003
Registration Number	2769364
International Registration Number	0885429
Registration Date	September 30, 2003
Owner	(REGISTRANT) Hansen Beverage Company CORPORATION DELAWARE 550 Monica Circle Suite 201 Corona CALIFORNIA 92880 (LAST LISTED OWNER) MONSTER ENERGY COMPANY CORPORATION DELAWARE 1 Monster Way Corona CALIFORNIA 92879
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Diane M. Reed
Type of Mark Register	TRADEMARK PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20121017.
Renewal	1ST RENEWAL 20121017

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[Assignments on the Web](#) > [Trademark Query](#)**Trademark Assignment Abstract of Title****Total Assignments: 1****Serial #:** [78195777](#)**Filing Dt:** 12/18/2002**Reg #:** [2769364](#)**Reg. Dt:** 09/30/2003**Registrant:** Hansen Beverage Company**Mark:** UNLEASH THE BEAST!**Assignment: 1****Reel/ Frame:** [4699/0063](#)**Recorded:** 01/13/2012**Pages:** 10**Conveyance:** CHANGE OF NAME**Assignor:** [HANSEN BEVERAGE COMPANY](#)**Exec Dt:** 01/05/2012**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** [MONSTER ENERGY COMPANY](#)550 MONICA CIRCLE, SUITE 201
CORONA, CALIFORNIA 92880**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Correspondent:** DIANE M. REED
2040 MAIN STREET, 14TH FLOOR
IRVINE, CA 92614

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Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 2,769,364

United States Patent and Trademark Office

Registered Sep. 30, 2003

**TRADEMARK
PRINCIPAL REGISTER**

UNLEASH THE BEAST!

HANSEN BEVERAGE COMPANY (DELAWARE
CORPORATION)
1010 RAILROAD STREET
CORONA, CA 92882

FOR: FRUIT JUICE DRINKS, SOFT DRINKS,
CARBONATED SOFT DRINKS AND SOFT DRINKS
ENHANCED WITH VITAMINS, MINERALS, NU-
TRIENTS, AMINO ACIDS AND/OR HERBS, AERA-


TED WATER, SODA WATER AND SELTZER
WATER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 4-16-2002; IN COMMERCE 4-16-2002.

SER. NO. 78-195,777, FILED 12-18-2002.

BRENDAN REGAN, EXAMINING ATTORNEY

EXHIBIT 2

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UNLEASH THE NITRO BEAST!

Word Mark	UNLEASH THE NITRO BEAST!
Goods and Services	IC 032. US 045 046 048. G & S: Non-alcoholic beverages, namely, carbonated soft drinks; carbonated drinks enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs; carbonated energy or sports drinks. FIRST USE: 20090708. FIRST USE IN COMMERCE: 20090708
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85977331
Filing Date	December 14, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	April 26, 2011
Registration Number	4394044
Registration Date	August 27, 2013
Owner	(REGISTRANT) MONSTER ENERGY COMPANY CORPORATION DELAWARE 550 MONICA CIRCLE, SUITE 201 CORONA CALIFORNIA 92880
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Cindy N. Nguyen

Prior Registrations 2769364
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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For Serial Number: 85977331

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Web interface last modified: Mar 15, 2014 v.2.4

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United States of America

United States Patent and Trademark Office

UNLEASH THE NITRO BEAST!

Reg. No. 4,394,044

Registered Aug. 27, 2013

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
550 MONICA CIRCLE, SUITE 201
CORONA, CA 92880

FOR: NON-ALCOHOLIC BEVERAGES, NAMELY, CARBONATED SOFT DRINKS; CARBONATED DRINKS ENHANCED WITH VITAMINS, MINERALS, NUTRIENTS, PROTEINS, AMINO ACIDS AND/OR HERBS; CARBONATED ENERGY OR SPORTS DRINKS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 7-8-2009; IN COMMERCE 7-8-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,769,364.

SN 85-977,331, FILED 12-14-2010.

TAMARA FRAZIER, EXAMINING ATTORNEY



Lisa Noelle Schesser

Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
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**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*


The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

EXHIBIT 3

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REHAB THE BEAST!



Word Mark	REHAB THE BEAST!
Goods and Services	IC 030. US 046. G & S: Ready to drink tea, iced tea and tea based beverages; ready to drink flavored tea, iced tea and tea based beverages. FIRST USE: 20110302. FIRST USE IN COMMERCE: 20110302
	IC 032. US 045 046 048. G & S: Non-alcoholic beverages, namely, energy drinks, sports drinks and fruit juice drinks; all the foregoing enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs. FIRST USE: 20110302. FIRST USE IN COMMERCE: 20110302
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85976727
Filing Date	November 3, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	June 14, 2011
Registration Number	4336329
International Registration Number	1079467
Registration Date	May 14, 2013
Owner	(REGISTRANT) MONSTER ENERGY COMPANY CORPORATION DELAWARE 1 Monster

Way Corona CALIFORNIA 92879

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Diane M. Reed
Prior Registrations 2769364
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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For Serial Number: 85976727

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United States of America

United States Patent and Trademark Office

REHAB THE BEAST!

Reg. No. 4,336,329

Registered May 14, 2013

Int. Cls.: 30 and 32

TRADEMARK

PRINCIPAL REGISTER

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
550 MONICA CIRCLE, SUITE 201
CORONA, CA 92880

FOR: READY TO DRINK TEA, ICED TEA AND TEA BASED BEVERAGES; READY TO DRINK FLAVORED TEA, ICED TEA AND TEA BASED BEVERAGES, IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-2-2011; IN COMMERCE 3-2-2011.

FOR: NON-ALCOHOLIC BEVERAGES, NAMELY, ENERGY DRINKS, SPORTS DRINKS AND FRUIT JUICE DRINKS; ALL THE FOREGOING ENHANCED WITH VITAMINS, MINERALS, NUTRIENTS, PROTEINS, AMINO ACIDS AND/OR HERBS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 3-2-2011; IN COMMERCE 3-2-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,769,364.

SN 85-976,727, FILED 11-3-2010.

TAMARA FRAZIER, EXAMINING ATTORNEY



Lisa Noelle Schesser
Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*


The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

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EXHIBIT 4

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REHAB THE BEAST!
WWW.MONSTERENERGY.COM



Word Mark	REHAB THE BEAST! WWW.MONSTERENERGY.COM
Goods and Services	IC 030. US 046. G & S: Ready to drink tea, iced tea and tea based beverages; ready to drink flavored tea, iced tea and tea based beverages. FIRST USE: 20110302. FIRST USE IN COMMERCE: 20110302
	IC 032. US 045 046 048. G & S: Non-alcoholic beverages, namely, energy drinks, sports drinks and fruit juice drinks, all the foregoing enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs. FIRST USE: 20110302. FIRST USE IN COMMERCE: 20110302
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85978208
Filing Date	February 15, 2012
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	May 1, 2012
Registration Number	4292502
Registration Date	February 19, 2013
Owner	(REGISTRANT) Monster Energy Company CORPORATION DELAWARE 1 Monster Way Corona CALIFORNIA 92879
Attorney of	Diane M. Reed

Record

Prior Registrations 3353473
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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For Serial Number: 85978208

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United States of America

United States Patent and Trademark Office

REHAB THE BEAST!
WWW.MONSTERENERGY.COM

Reg. No. 4,292,502

Registered Feb. 19, 2013

Int. Cls.: 30 and 32

TRADEMARK

PRINCIPAL REGISTER

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
SUITE 201
550 MONICA CIRCLE
CORONA, CA 92880

FOR: READY TO DRINK TEA, ICED TEA AND TEA BASED BEVERAGES; READY TO DRINK FLAVORED TEA, ICED TEA AND TEA BASED BEVERAGES, IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-2-2011; IN COMMERCE 3-2-2011.

FOR: NON-ALCOHOLIC BEVERAGES, NAMELY, ENERGY DRINKS, SPORTS DRINKS AND FRUIT JUICE DRINKS, ALL THE FOREGOING ENHANCED WITH VITAMINS, MINERALS, NUTRIENTS, PROTEINS, AMINO ACIDS AND/OR HERBS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 3-2-2011; IN COMMERCE 3-2-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,353,473.

SER. NO. 85-978,208, FILED 2-15-2012.

GEOFFREY FOSDICK, EXAMINING ATTORNEY



Lisa Noelle Schesser
Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
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**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
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Requirements in the First Ten Years*

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Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*


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NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

EXHIBIT 5

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UNLEASH THE ULTRA BEAST!

Word Mark	UNLEASH THE ULTRA BEAST!
Goods and Services	IC 032. US 045 046 048. G & S: Non-alcoholic beverages, namely, carbonated soft drinks; carbonated drinks enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs; carbonated energy drinks and sports drinks. FIRST USE: 20120830. FIRST USE IN COMMERCE: 20120830
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85783008
Filing Date	November 19, 2012
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	May 7, 2013
Registration Number	4371544
Registration Date	July 23, 2013
Owner	(REGISTRANT) Monster Energy Company CORPORATION DELAWARE 1 Monster Way Corona CALIFORNIA 92879
Attorney of Record	Diane M. Reed
Type of Mark	TRADEMARK

Register PRINCIPAL
Live/Dead Indicator LIVE

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For Serial Number: 85783008

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United States of America

United States Patent and Trademark Office

UNLEASH THE ULTRA BEAST!

Reg. No. 4,371,544

Registered July 23, 2013

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
550 MONICA CIRCLE SUITE 201
CORONA, CA 92880

FOR: NON-ALCOHOLIC BEVERAGES, NAMELY, CARBONATED SOFT DRINKS; CARBONATED DRINKS ENHANCED WITH VITAMINS, MINERALS, NUTRIENTS, PROTEINS, AMINO ACIDS AND/OR HERBS; CARBONATED ENERGY DRINKS AND SPORTS DRINKS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 8-30-2012; IN COMMERCE 8-30-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-783,008, FILED 11-19-2012.

REGINA DRUMMOND, EXAMINING ATTORNEY



Lisa Noelle Schesser

Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
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**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
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Requirements in the First Ten Years*

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See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

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PUMP UP THE BEAST!

Word Mark	PUMP UP THE BEAST!
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: Nutritional supplements in liquid form; vitamin fortified beverages. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85933255
Filing Date	May 15, 2013
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	August 27, 2013
Registration Number	4482659
Registration Date	February 11, 2014
Owner	(REGISTRANT) Monster Energy Company CORPORATION DELAWARE 550 Monica Circle, Suite 201 Corona CALIFORNIA 92880
Attorney of Record	Diane M. Reed
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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For Serial Number: 85933255

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United States of America

United States Patent and Trademark Office

PUMP UP THE BEAST!

Reg. No. 4,482,659

Registered Feb. 11, 2014

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
550 MONICA CIRCLE, SUITE 201
CORONA, CA 92880

FOR: NUTRITIONAL SUPPLEMENTS IN LIQUID FORM; VITAMIN FORTIFIED BEVERAGES,
IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 3-18-2013; IN COMMERCE 3-18-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-933,255, FILED 5-15-2013.

JAY FLOWERS, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
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Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

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Grace Period Filings*


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***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

EXHIBIT 7

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PUMP UP THE BEAST!

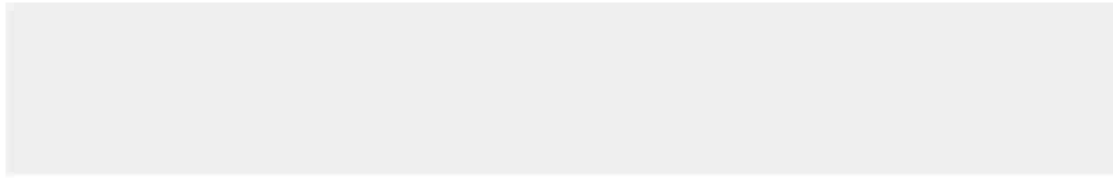
Word Mark	PUMP UP THE BEAST!
Goods and Services	IC 029. US 046. G & S: Dairy-based beverages; dairy-based energy shakes. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85933264
Filing Date	May 15, 2013
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	August 27, 2013
Registration Number	4482660
Registration Date	February 11, 2014
Owner	(REGISTRANT) Monster Energy Company CORPORATION DELAWARE 550 Monica Circle, Suite 201 Corona CALIFORNIA 92880
Attorney of Record	Diane M. Reed
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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No assignment has been recorded at the USPTO
For Serial Number: 85933264

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.4
Web interface last modified: Mar 15, 2014 v.2.4

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United States of America
United States Patent and Trademark Office

PUMP UP THE BEAST!

Reg. No. 4,482,660

Registered Feb. 11, 2014

Int. Cl.: 29

TRADEMARK

PRINCIPAL REGISTER

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
550 MONICA CIRCLE, SUITE 201
CORONA, CA 92880

FOR: DAIRY-BASED BEVERAGES; DAIRY-BASED ENERGY SHAKES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 3-18-2013; IN COMMERCE 3-18-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-933,264, FILED 5-15-2013.

JAY FLOWERS, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

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The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.